

EXHIBIT I

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Defendants' Proposed Interim Liaison Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
 ANTITRUST LITIGATION

Master File No. M07-1827 SI

MDL No. 1827

This Document Relates to:

ALL CASES.

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT**

Date: November 19, 2008
 Time: 4:00 p.m.
 Crm: 10, 19th Floor

The Honorable Susan Illston

1 The parties in this proceeding hereby submit this joint statement in advance of the
2 November 19, 2008 Case Management Conference and hearing.

3 **I. PROCEDURAL STATUS**

4 The case is currently under a partial stay that has been in effect since
5 September 25, 2007, as modified on May 27, 2008. Following transfer of this litigation by the
6 Judicial Panel on Multidistrict Litigation to this Court, the parties held an initial Status
7 Conference on July 10, 2007 and, on that date, the Court granted the motion of the United States
8 Department of Justice (“DOJ”) to intervene (Docket #217). On September 25, 2007, the Court
9 granted in part a motion by DOJ for a partial stay of discovery (“Stay Order”) (Docket #301).
10 Subsequently, on the joint recommendation of the parties, the Court modified its Stay Order to
11 permit the parties to engage in discovery of certain information that would not impinge upon the
12 DOJ investigation. *See* Joint Recommendation and [Proposed] Order Re Stay of Discovery dated
13 May 27, 2008. The partial stay of discovery expires on January 9, 2009 (Docket #631).

14 The Direct Purchaser Plaintiffs and the Indirect Purchaser Plaintiffs filed separate
15 Consolidated Amended Complaints on November 5, 2007. Defendants filed motions to dismiss
16 those complaints, which the Court granted in part and denied in part by Order dated August 27,
17 2008. *See* Court entered an Order Granting in Part and Denying in Part Defendants’ Motion to
18 Dismiss Complaints (Docket #666). The Court granted plaintiffs leave to file amended
19 consolidated complaints.

20 Plaintiffs intend to file Amended Consolidated Complaints. Additionally, Direct
21 and Indirect Purchaser Plaintiffs will separately file motions for class certification in Spring 2009.
22 The parties have agreed upon a case management schedule that sets forth, among other things,
23 new deadlines for the filing of amended complaints, responsive pleadings or motions, and
24 motions for class certification.

25 The indirect plaintiffs intend to address the issue of the stay at the case
26 management conference in light of the recent announcement of guilty pleas.

II. PRETRIAL MATTERS

A. Proposed Schedule Through Hearing on Class Certification

At the suggestion of the Special Master, the Honorable Fern M. Smith (retired), the parties met and conferred on several occasions in October 2008 regarding a proposed case management schedule and have agreed to the following schedule,¹ which Judge Smith recommended be adopted by the Court pursuant to Special Master's Report and Recommendation No. 2, dated November 10, 2008 (attached hereto as Exhibit A):

December 5, 2008	Last day for plaintiffs to file their respective consolidated amended complaints.
January 9, 2009	Last day for defendants to respond to amended consolidated complaints, including by motion.
January 30, 2009	Last day to oppose any further motion to dismiss.
February 13, 2009	Last day to file replies in support of any further motion to dismiss.
February 27, 2009	Proposed date for hearing on any motions to dismiss.
March 23, 2009	Last day for direct purchaser plaintiffs to file motion for class certification and expert report(s).
May 25, 2009	Last day for indirect purchaser plaintiffs to file motion for class certification and expert report(s).
June 2, 2009	Last day for defendants to file opposition and expert report(s) in response to direct purchaser plaintiffs' motion for class certification.
July 17, 2009	Last day for direct purchaser plaintiffs to file reply in support of motion for class certification and rebuttal report.
August 3, 2009	Last day for defendants to file opposition and expert report(s) in response to indirect purchaser plaintiffs' motion for class certification.

¹ In light of the Toshiba Defendants' pending motion to modify the Court's May 27, 2008 Order to stay discovery as to the pending resolution of renewed motions to dismiss, the Toshiba Defendants have not agreed to (i) the scheduling order recommended by Judge Smith, or (ii) to comply with the stay order on January 9, 2009.

August 6, 2009

Proposed date for hearing on direct purchaser plaintiffs' motion for class certification.

September 17, 2009

Last day for indirect purchaser plaintiffs to file reply in support of motion for class certification and rebuttal report.

October 1, 2009

Proposed date for hearing on indirect purchaser plaintiffs' motion for class certification.

B. Discovery

As a result of the partial stay of discovery in effect since September 2007, discovery in the case has been limited. Consistent with the September 25, 2007, Stay Order, Plaintiffs served narrow discovery requests upon defendants in November 2007. In April 2008, Plaintiffs provided a set of broader, draft "merits" discovery requests to the Defendants in order to facilitate meet-and-confers and expedite the document production process after expiration of the partial stay. Defendants served written responses and produced limited documents in response to plaintiffs' initial discovery requests.

In May 2008, after the DOJ filed a status report concerning its need for a continuance of the discovery stay, the DOJ, Interim Co-Lead Counsel for the Direct and Indirect Purchaser Plaintiffs, and Defendants met and conferred regarding a proposal to modify the September 2007 Stay Order. As a result of these efforts, the parties prepared and submitted a Joint Recommendation and [Proposed] Order Re Stay of Discovery, which this Court entered on May 27, 2008. (Docket #628.) The May 2008 Order authorized Plaintiffs to conduct broader discovery than permitted by the September 2007 Stay Order, but ordered that discovery of the grand jury documents and certain other categories of documents continue to be stayed until January 9, 2009. On that date, among other things, each Defendant that has appeared in this case and previously produced documents to the grand jury is required to produce all such documents without a discovery request from Plaintiffs.

Plaintiffs have served deposition notices pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. Defendants objected to the scope, timing, and location of the

depositions as set in forth in Plaintiffs' notices. The parties fully briefed a number of issues relating to the noticed depositions and, following two appearances before the Special Master, on October 3, 2008 and October 21, 2008, the parties have reached agreements with the Korean defendants for the locations of the depositions and meet and confer discussions among these parties are in an advanced stage with respect to other aspects of the depositions. Plaintiffs and the Taiwanese defendants also are in advanced discussions. Judge Smith's Report and Recommendation No. 2 addresses locations for depositions of the Japanese defendants and those defendants are reviewing her recommendation. As of the date of this submission, no depositions have occurred in this case.

Defendants have served deposition notices upon named class representatives. The parties are in the process of conferring about the scope, timing and location of those depositions, and may seek the assistance of Judge Smith to resolve any outstanding issues.

Indirect Purchaser Plaintiffs intend to take the depositions of the Defendants' executives involved in the alleged conspiracy in March, April, and May of 2009.

C. Departing Employees

As of the last status conference, the parties were in the process of meeting and conferring regarding a protocol for departing employees and had submitted alternative proposals to resolve the issue. The matter was referred to Special Master Smith, who heard arguments on the issue, and on August 11, 2008 submitted to this Court a Recommendation and Order Re Procedures for Discovery from Departing Officers, Directors and Managing Agents. (*See* Docket #662.)

III. OTHER MATTERS INCLUDED IN THE COURT'S STANDING ORDER

A. Status of Service of Process

Direct and Indirect Purchaser Plaintiffs have completed service of the Consolidated Amended Complaints on all domestic Defendants. The Direct and Indirect Purchaser Plaintiffs have completed service of the Consolidated Amended Complaints on all foreign Defendants with the possible exception of one entity, Nexgen Mediatech, Inc., which disputes whether service upon it was effective. Nexgen Mediatech, Inc., which is headquartered

1 in Taiwan, has filed a motion to dismiss. Direct purchaser plaintiffs have both opposed this
2 motion and filed a motion to authorize service of Nexgen Mediatech, Inc. through its counsel.
3 Both motions are scheduled for hearing on November 19, 2008.

4 **B. Pending Motions**

- 5 1. Motions to Dismiss
- 6 2. Motion by Nexgen Mediatech, Inc. to dismiss
- 7 3. Motion to authorize service of Nexgen Mediatech, Inc. through counsel
- 8 4. Toshiba entities' motion to modify May 27, 2008 Order to stay discovery

9 **C. Amendment of Pleadings**

10 Plaintiffs will separately file amended consolidated complaints on or before
11 December 5, 2008.

12 **D. Evidence Preservation**

13 Plaintiffs have met and conferred at least once with each defendant regarding the
14 preservation and production of electronically-stored information (or "ESI"). Those discussions
15 are at different stages and have proceeded on a defendant-by-defendant basis.

16 **E. Disclosures**

17 All parties except the Taiwanese Defendants and Tatung Company of America
18 have provided initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure in
19 June 2008. With the exception of Nexgen Mediatech, Inc., which takes the position that it has not
20 yet been served, the Taiwanese defendants will provide their initial disclosures on December 15,
21 2008.

22 **F. Expedited Schedule**

23 Complex cases, such as the current litigation, are not well suited for treatment on
24 an expedited basis with streamlined procedures. However, Plaintiffs do believe that expedited
25 document production is appropriate and necessary when the discovery stay expires on January 9,
26 2009. Defendants have already produced documents to the grand jury and/or the DOJ and, in
27 accordance with the May 2008 Order, those documents should be immediately produced upon the
28 expiration of the discovery stay on January 9, 2009 to avoid any additional delay in this case.

Defendants state that they will comply with the stay order.

G. Earliest Reasonable Dates for Discovery Cutoff, Pretrial Conference, and Trial

The parties believe that it is premature to set dates for a cutoff of merits discovery, pretrial conference, and trial. These topics are better suited for a future case management conference at a later date. However, as noted above, the parties have agreed upon a proposed schedule that includes relevant dates up to and including the hearings on class certification.

H. Trial

Plaintiffs demand jury trials. The parties cannot yet estimate the length of trial given the current stay on discovery. Defendants believe in the event classes are certified that it may be appropriate to have a single trial on issues common to the Direct and Indirect Purchaser actions. Plaintiffs are willing to consider a single trial on common issues. The parties will continue to meet and confer about how these matters should be tried and will report to the Court.

I. Settlement and ADR

The parties do not believe that ADR is appropriate at this time.

J. Status of DOJ Criminal Investigation

On November 12, 2008 the Department of Justice issued a press release stating that LG Display Co. Ltd., Sharp Corporation and Chunghwa Picture Tubes Ltd. have agreed to plead guilty and pay a total of \$585 million in criminal fines for their roles in conspiring to fix prices of LCD panels. Of the \$585 million in fines, LG will pay \$400 million, Sharp will pay \$120 million and Chunghwa will pay \$65 million.

K. Interim Defense Liaison Counsel

Defendants propose James L. McGinnis of Sheppard Mullin Richter & Hampton to serve as interim defense liaison counsel in place of Albert J. Boro, who advised the Court that he is no longer counsel in the case.

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Respectfully submitted,

Dated: November 12, 2008 PEARSON, SIMON, SOTER, WARSHAW & PENNY, LLP

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1 Dated: November 12, 2008

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9 *Interim Co-Lead Counsel for the Indirect Purchaser Plaintiffs*

10 Dated: November 12, 2008

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11 By: /s/ James L. McGinnis

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18 *Defendants' Proposed Interim Liaison Counsel on behalf of*
19 *served Defendants*

20 **Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the**
21 **filing of this document has been obtained from: Bruce L. Simon, Francis O. Scarpulla,**
22 **Joseph M. Alioto, and James L. McGinnis.**

EXHIBIT A

In Re: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

SPECIAL MASTER'S REPORT AND RECOMMENDATION NO. 2

The day prior to the conference, I received a proposed revised schedule, which had been agreed to by the majority of the parties. A copy is attached for the Court's convenience, and I recommend that the Court accept it, as reasonable and in the best interests of both sides.

1 The issue of the Rule 30(b) (6) depositions was not resolved by agreement, however, and
2 remains a matter upon which the parties involved seriously disagree. Both sides have briefed
3 the matter, and argued orally, and both sides have some weight of equity and law bolstering
4 their positions. Defendants are correct that the general rule is that depositions should take
5 place at or near the residence of the deponent. There are, however, well known and
6 acknowledged difficulties related to the taking of depositions in Japan, including time and
7 place, as well as the inability for intercession, if needed, by a United States court. The
8 conflicts between these two positions are long-standing, have been addressed at length in the
9 briefs and arguments, and need not be repeated here. Additionally, the prospective deponents
10 are employed by sophisticated companies who have willingly become a part of the
11 international stream of commerce and who are represented by sophisticated and competent
12 American counsel. Having carefully considered the entire record before me, I now make the
13 following recommendation, **limited solely to the specific Rule 30 (b) (6) depositions at**
14 **issue here:**

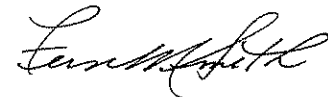
- 15
- 16 1) The Rule 30(b)(6) depositions at issue shall take place in the United States, at a
17 location to be decided by the Defendants involved;
- 18 2) The Plaintiffs shall pay reasonable travel and subsistence expenses for the
19 deponents only.

20 I look forward to answering any further questions the Court may have.

21 Respectfully submitted,

22

23 Date: November 10, 2008



24 Fern M. Smith, Special Master

25

26 Date: _____

27 Hon. Susan Illston
28 United States District Judge

In re TFT-LCD (Flat Panel) Antitrust Litigation
Plaintiffs' and Defendants' Proposed Schedule – October 20, 2008¹

CURRENT SCHEDULE		PROPOSED SCHEDULE	
		11/19/08	CMC
		12/5/08	Last day for plaintiffs to file their respective amended consolidated complaints
11/19/08	CMC and hearing on Tatum's jurisdictional motion	12/15/08	Last day for defendants to produce transactional data
11/28/08	Last day to file amended consolidated complaints		Substantial completion of interim document productions per defendants' responses and subject to individual meet and confer discussions ²
12/1/08	Last day for Directs to file class cert motion and expert reports	1/9/09	Limited stay expires; production of grand jury documents Last day for defendants to respond to amended consolidated complaints, including by motion
		1/15/09	Plaintiffs may begin to take 30(b)(6) depositions ³
		1/30/09	Last day to oppose any further motion to dismiss (3 weeks after motion)
1/9/09	Limited stay expires; production of grand jury documents	2/13/09	Last day to file any replies in support of motions to dismiss (2 weeks after opposition)
		2/27/09	Hearing on any motions to dismiss.
		3/23/09	Last day for Directs to file class cert motion and expert report
		5/25/09	Last day for Indirects to file class cert motion and expert reports
1/30/09	Last day for Indirects to file class cert	6/2/09	Last day for Defendants to file

¹ The Toshiba Defendants have not agreed to this schedule. All other Defendants have agreed.

² This deadline does not apply to certain defendants who have approached plaintiffs individually by Monday, October 20, 2008. Those defendants shall meet and confer with plaintiffs concerning the date by which they will complete their document production, and any outstanding issues that may delay such completion. Plaintiffs reserve the right to seek further relief with respect to such defendants, if necessary.

³ By agreement with certain defendants, plaintiffs may begin to take 30(b)(6) depositions of those defendants on certain topics prior to January 15, 2009. Plaintiffs and defendants will continue to meet-and-confer on whether such depositions can be scheduled.

	motion and expert reports (60 days after Directs' class cert motion)		opposition and expert reports re Directs' class cert motion (70 days after motion is filed)
3/2/09	Last day for Defendants to file opposition and expert reports re Directs' class cert motion (91 days after motion)	7/17/09	Last day for Directs to file class cert reply and rebuttal report (45 days after opposition)
4/15/09	Last day for Defendants to file opposition and expert reports re Indirects' class cert motion (75 days after motion)	8/06/09	Hearing on Directs' class cert motion
4/17/09	Last day for Directs to file class cert reply (46 days after opposition)	8/03/09	Last day for Defendants to file opposition and expert reports re Indirects' class cert motion (70 days after motion is filed)
5/19/09	Hearing on Directs' class cert motion (32 days after Directs' reply)	9/17/09	Last day for Indirects to file class cert reply and rebuttal report (45 days after opposition)
5/29/09	Last day for Indirects' to file class cert reply (44 days after opposition)	10/01/09	Hearing on Indirects' class cert motion
6/30/09	Hearing on Indirects' class cert motion (32 days after Indirects' reply)		